

**Minutes of the Regular Planning Board Meeting
Monday, February 11, 2008**

1. CONVENE: 7:04 p.m.
2. FLAG SALUTE: Board member Cunningham.
3. ROLL CALL: President Cook, Vice President Kohlstrand, Board Members Cunningham, Ezzy Ashcraft, Lynch, and McNamara.

Also present were Planning Services Manager Andrew Thomas, Assistant City Attorney Farimah Faz, Supervising Planner Cynthia Eliason; Supervising Planner Doug Garrison, Barbara Hawkins, City Engineer; Obaid Khan, Public Works.

4. MINUTES:
 - a. Minutes for the meeting of November 13, 2007 (not available).

These minutes will be considered on February 25, 2008.

- b. Minutes for the meeting of December 10, 2007.

Vice President Kohlstrand noted that under Item 6 (Future Agendas), the last paragraph on page 1 should be changed to read, "In response to an inquiry by *Board member Ezzy Ashcraft* when staff estimated a green building ordinance to be put on the books in Alameda..."

Vice President Kohlstrand noted that with respect to that time, she recalled that there was a discussion about staff being able to implement a straightforward application process, and would like that section of the tape to be reviewed and inserted into the minutes.

Mr. Thomas recalled that conversation, and noted that the project submittal checklist for sustainable elements had been discussed.

Board member Cunningham noted that on page 9, Strategy 3 discussed the lack of space for larger functions in the City, and should be changed to read, "She was concerned that the *large civic events like the annual fundraiser for the boys and girls club have to meet in Oakland because there were not large enough facilities to accommodate them in Alameda.*"

Vice President Kohlstrand moved to adopt the minutes for December 10, 2007, as amended.

Board member McNamara seconded the motion, with the following voice vote – 5. Noes: 0 Absent: 0; Abstain – 1 (Cunningham). The motion passed.

- c. Minutes for the meeting of January 14, 2008.

Vice President Kohlstrand noted that the bottom of page 3 read, “Vice President Kohlstrand noted that it was important to keep the guiding nature of the General Plan Amendment in mind throughout the process.” She recalled that there was a discussion about whether the Planning Board should be very prescriptive in the guidelines, and she stated that if they were to do that, that the General Plan was the appropriate document to do it in, since it set the guiding principles for the City.

Vice President Kohlstrand noted that in the middle of page 6, the following language should be changed to read, “Vice President Kohlstrand noted that the second sentence of the last item on page 4 should introduce the idea of shared parking, in addition to *multilevel parking*”

Vice President Kohlstrand noted that page 7, paragraph 7, should be changed to read, “She wished to avoid using the *streets blocks* as a circulation aisle for the parking lot...”

Board Member Lynch advised that page 7, paragraph 4, should be changed to read, “The University Village was an outstanding shopping experience that has *a mix of very small and large stores*.” He added that there was a two-story Crate & Barrel store in that center.

Board member Ezzy Ashcraft moved to adopt the minutes for December 10, 2007, as amended.

Board member McNamara seconded the motion, with the following voice vote – 5. Noes: 0 Absent: 0; Abstain – 1 (Cunningham). The motion passed.

d. Minutes for the meeting of January 28, 2008.

Board member Cunningham noted that with respect to the resolution for Item 9 (referencing Item 2.5.u.3) on page 11, the Planning Board had discussed adding language referring to control of the location of utility trash recycling enclosures being located out of the public path, which had been mentioned in the previous minutes; he would like that wording included in the resolution.

Board member Cunningham noted that on page 15 (Climate Protection Task Force) should be changed to read, “Mr. Thomas presented an update of the last Board meeting. Board member Cunningham noted that they *divided the recommendations into two tiers. The first tier had five items as listed below, and the remaining items were consolidated into Tier 2.*”

Board member Ezzy Ashcraft noted that page 4, paragraph 3, should be changed to read, “Because staff was unable to make the findings for a variance and design review approval, *he* recommended the Planning Board deny the proposed variance application.”

Board member Ezzy Ashcraft noted that the language in the middle of page 7 should be changed to read, “Board member Ezzy Ashcraft noted that some of the nicest homes she has seen *in applicants’ neighborhood* had some kind of renovation...”

Board member Ezzy Ashcraft noted that page 7, paragraph 5, should be changed to read, “She *supported* people being able to improve their properties, *and believed there should be some reward for undertaking a project such as this.*”

President Cook noted that with respect to the language at the top of page 7, “President Cook suggested that the dividing line between a boat house and an actual dwelling...” she had intended to state that the boat house in this case was larger than many dwellings in Alameda, and so perhaps the square footage should be examined more carefully. She noted there was a fine line between a boat house and a residence.

President Cook noted that the language halfway down page 8 should be changed to read, “She believed the issue of height was more critical than the number of floors, and it occurred to the applicants to stay within the height limits”. In addition, the following change should be made, “She noted that the issues of density and the public right to the waterfront were important issues *to be looked at if Zoning Code amendments are considered.*”

Board member Cunningham moved to adopt the minutes for December 10, 2007, as amended.

Board member Ezzy Ashcraft seconded the motion, with the following voice vote – 4. Noes: 0 Absent: 0; Abstain – 2 (Lynch, McNamara). The motion passed.

5. AGENDA CHANGES AND DISCUSSION:

President Cook noted that a request had been received to remove Item 8-A from the Consent Calendar and place it on the Regular Agenda. She noted that two requests to go first had also been received. She suggested that the items be heard in the following order: 9-B, 9-A, 8-A, and that Staff Communications be heard at the end of the meeting.

9. REGULAR AGENDA ITEMS:

9-B. Broadway/Jackson Phase II. A presentation and update on work being completed by the City of Alameda, City of Oakland, California Department of Transportation, and Alameda County Transportation Improvement Agency (ACTIA) to improve automobile, transit, and pedestrian connections and mobility between the Webster and Posey Tubes and the I-880 Freeway. Barbara Hawkins, Alameda Public Works Department, will make the presentation. The Planning Board will take no action on this item at this meeting. This presentation is for informational purposes only. (AT/BH)

Vice President Kohlstrand noted that she would recuse herself from this item because the Alameda County Transportation Improvement Authority was one of her clients, and her business partner worked on this project. She stepped down from the dais.

Ms. Barbara Hawkins, City Engineer, summarized the staff report, and displayed the various options on the overhead screen.

The public hearing was opened.

There were no speakers.

The public hearing was closed for Board discussion.

With respect to the slide depicting the preferred option, Board Member Lynch inquired how the project would be funded, Ms. Hawkins replied that it had started with S.T.I.P. funds, which paid for the CalTrans environmental work and the design. Measure B funding paid for the feasibility study and the current PSR.

In response to an inquiry by Board Member Lynch whether MTC was involved with any of the funding decisions, Ms. Hawkins replied that all funding went first through the CMA for the County, then MTC for all the counties, and finally to the CTC. The City of Oakland was also involved as an active partner, originally by the Planning branch and recently by the engineers.

Board Member Lynch strongly urged the organizations working on this project to send a letter to the City of Oakland, and he believed it was reprehensible that one branch of their city government was not aware or supportive of what another branch was doing of a project this nature. He noted that to think an applicant would move forward in their Planning Department with entitlements of such a major project showed a lack of leadership from their most senior elected individuals, as well as their Planning Department. He would like to have a response with respect to that's situation, and he believed that from a planning perspective, Alameda tried to encourage the ability to work together. As a taxpayer, he found the situation reprehensible and noted that there were significant public dollars at work. He believed that the City of Oakland's objectives with respect to this planning process must be made clear to the public. Otherwise, he would not support moving forward if the City of Oakland was not clear about their objective.

Ms. Hawkins noted that at the joint meeting between the Alameda and Oakland Councilmembers, Oakland Public Works and Planning had attended, and that everyone was supportive of the project. She added that they were aware that it was critical that this project remain open. She suggested that the City of Alameda send a letter stating its belief that it be continued, to ensure that the differences were being communicated. She was not sure whether the new planner had read the feasibility study, which was being refined.

Board Member Lynch encouraged the City Attorney's office in Oakland to offer its thoughts, because he believed that it was not a takings case, but the applicant may suggest that it was. He noted that he would not support any motion moving forward, if the City of Oakland's Mayor's Office, City Attorney, and Planning Director were not in favor of this; he believed these decision-making bodies must be involved in an entitlements case.

Board member Ezzy Ashcraft expressed frustration that so many options had been eliminated. She inquired whether it would be possible to have a written mutual agreement of understanding, and whether it would be necessary to have a stronger instrument than meetings between Councilmembers. She believed that the Tube backups were a regional

problem, and that Oakland held considerable influence in the entitlement process. She noted that there were limited options remaining.

Ms. Faiz replied that a cooperative agreement was a possibility, and added that the City Attorney's offices in Alameda and Oakland were not involved in policy decisions; they only gave legal advice.

Ms. Hawkins agreed that a cooperative agreement would be a good idea, and that she and Mr. Thomas may be able to work with the City Attorney's office in that regard.

No action was taken.

Vice President Kohlstrand rejoined the Planning Board on the dais following this item.

9-A. PLN07-1022 (Master Plan Amendment) - David Hidalgo Architects, Inc. for Westwood Financial Group - 801 through 951 Marina Village Parkway. The applicant requests a Master Plan Amendment to the Marina Village Master Plan to allow the Marina Village Shopping Center to permit up to 25% office use (a maximum of 31,070 square feet), and to allow the future addition of a 5,000 square foot building pad, an 800 square foot kiosk, and a 500 square foot kiosk. The shopping center at build out will be 130,729 square feet. The site is located within an M-X, Mixed-Use Zoning District. (CE)

Ms. Eliason summarized the staff report. Staff recommended approval of this item.

In response to an inquiry by Board member Ezzy Ashcraft regarding staff's sense of the kinds of retail businesses that were needed in the kiosks, Ms. Eliason replied that the small kiosks could house a small coffee stand or another business that would serve the office development. She noted that they did not know what the square footage would be yet. She noted that these locations would not support drive-through businesses.

In response to an inquiry by Board member Ezzy Ashcraft whether there would be any concerns relating to the proximity to the day care center, Ms. Eliason noted that the uses would be examined at a final development plan or design review stage. At that point, the Board would have a better idea of the uses.

In response to an inquiry by President Cook whether the location would be appropriate for fast food, Ms. Eliason replied that while it would not be appropriate for drive-through uses, she could not say whether a fast food use would be placed there.

In response to an inquiry by Board member Cunningham whether a restriction against fast food uses could be placed on this use, Ms. Eliason replied that the percentage of fast food uses could be restricted, or that there would be no additional fast food uses. She noted that "fast food" must be defined in that case, and she did not believe that "fast food" was defined in the Zoning Ordinance. Board member Cunningham noted that the Webster Street guidelines may provide some direction regarding a definition of fast food, and asked staff to provide further definition of the types of office spaces for the project.

Vice President Kohlstrand noted that she supported some flexibility for the manager of the shopping center, but was troubled by the proposal in that the development originally was allowed to have 10,000 square feet of office. She noted that was eliminated, but that the Board did not have any history on that action. She expressed concern that 17,000 square feet of office had been added, but she understood that no office was allowed under the current regulations. She was also concerned about the increase to 25% for office, and noted that there was not much discussion regarding that expansion. She would like more information regarding what would be allowed in the shopping center, and would like to limit any further drive-through uses.

Board member McNamara noted that she drove around the site, and while she did not have a problem with the 5,000-square-foot pad site, the current site for the two proposed kiosks was the site for the only green grass on the site. She would like that space to be a more pedestrian-friendly environment, and believed it was too intensive a use for that specific area. She would like that area to remain as a green space.

Board Member Lynch noted that the amount and type of retail, as well as the amount and type of office space was important, as was the grade of office space. He believed this was an interesting site for retail, but did not consider this to be an ideal site for retail. He believed this space was evolving from one use to the other.

Board member Ezzy Ashcraft noted that she had gone to that shopping center, and that she did not consider it to be optimal for retail because it resembled a glorified strip mall. She noted that a shopper may be tempted to drive from one end to the other. She recalled that a cigarette store had been located there, which she did not consider it to be a desirable use. She was comfortable increasing the percentage of office space from 17% to 25%. She would like to see uses that enliven the walkways, and noted that this may not be the kind of place where the Board's energies should be focused on increasing the retail because there were some exciting possibilities. She would like to see more attention paid to Webster Street.

President Cook noted that the location of retail in the Citywide retail strategy was very important. She had used the center before, and found that she was usually glad to be done driving around the area. She noted that many people used the back area of the center to get around quickly. She noted that there were many planning issues embedded in it, and she was hesitant to say yes to it. She agreed with Board member McNamara's concerns about the lack of green space.

Mr. Thomas noted that staff recommended approval of this project. He added that the City Council had commissioned a series of retail studies. The studies found that there was capacity and demand for between 500,000-600,000 square feet of retail on the west end. The Council then said that Alameda Landing would be limited to 300,000 square feet. He noted that the City wished to preserve some of that capacity for Webster Street, which was a priority for the City, as was Alameda Point and Alameda Landing. He recalled that a business license for a medical office had been turned down; prior to that, the City had been approving the business licenses until an intern discovered the amendment from 1984. He noted that there had been demand for office space, and that there had been applications for use permits to put office space in residential zoning districts. He noted that there had been a demand for the service-related medical offices. He noted that the

last page of the resolution contained the amendment for the Master Plan, and added that it could be amended to read “no drive-throughs,” which would be amenable to the applicant.

Board Member Lynch would support that addition, and did not see this as a retail site. He noted that this might be a good location for a dental or urgent care medical office, which was a growing demand. He would support the amendment, and would not want to tamper with the plan because the market has determined what has happened on this site over the years.

Board member Ezzy Ashcraft requested that staff address Board member McNamara’s concerns about the green space. Mr. Thomas noted that the Board had the option to allow the expansion of the center up to a certain amount of square feet, leaving the decision about the actual location of kiosks up to the development plan approval, similar to Alameda Landing. He noted that this was a Master Plan amendment, and that the details of the landscaping, parking and other specific issues may be examined at that time. He noted that the Board may specify that the existing amount of landscaped area should be maintained in all future configurations.

President Cook noted that she understood the flexibility argument, but did not see why it should be expanded. Mr. Thomas noted that the priority for the applicant at this time would be to resolve the percentage of office use first; the second priority was the expansion.

The public hearing was opened.

Mr. David O’Donegal, O’Donegal Architects, project architect, noted that the applicant purchased this property in 2004, understanding that the site was a thriving shopping center at that time. He noted that there had been some turnover and vacancies since that time. He echoed Board Member Lynch’s comment in that they were seeking service-type users, such as real estate and medical/dental outpatient uses that had to be turned down because of the current situation. He noted that in October 2007, he and staff had reviewed the history of this property, and identified some options and opportunities. His goal was to have at least 25% office use for the center, which they needed to be able to function and reduce the vacancy of approximately 3,400 square feet. They had leases they wished to pursue to occupy those spaces. He noted that retail did not work in the back portion of the center, and requested that the office use be permitted.

Board member Cunningham noted that the current parking was 5 per 1,000, and suggested reducing it to increase green space. Mr. O’Donegal agreed with that suggestion, and added that they had not experienced any parking problems.

Board member Ezzy Ashcraft agreed that the parking ratio be reduced.

The public hearing was closed for Board discussion.

Board member Ezzy Ashcraft suggested that the additional language include “medical, dental or professional offices, and other service-oriented businesses.”

Board member Cunningham noted that the portion of the Code submitted by staff identified professional nature offices as including accountants, architects, artists, attorneys, authors, doctors, dentists, and engineers.

President Cook inquired about the appropriateness of medical clinics, medical labs, rest homes and sanitariums.

Ms. Eliason advised that all the permitted uses listed under (b) would be included.

President Cook noted that list was too broad for her preference, and inquired whether there was existing language that has worked in the past. Mr. Thomas noted that staff could return with revised language at another meeting. He noted that the resolution could be amended to read, “The AP (Administrative Professional) District, with the exception of or not including...” and then delete D through H (medical laboratories through sanitarium).

Board member Cunningham would like people to be encouraged to get out and use the center.

President Cook noted that the Board seemed to agree on B-1(a) through L, and B-2(a) through D.

Board Member Lynch would not delete (F) (radiology), and noted that everything was done by computer now.

President Cook suggested that B, E, G and H should be included as conditionally permitted uses. The Board generally agreed.

President Cook was not in favor of the expansion at this point.

Board Member Lynch did not object to the expansion.

President Cook moved to adopt the draft Planning Board Resolution to approve a Master Plan Amendment to the Marina Village Master Plan to allow the Marina Village Shopping Center to permit up to 25% office use (a maximum of 31,070 square feet), to included the permitted uses as discussed under AP Zoning District, with the conditionally permitted exceptions of B, E, G and H.

Board member Cunningham seconded the motion, with the following voice vote – 6. Noes: 0 Absent: 0; Abstain – 0. The motion passed.

Board Member Lynch moved to adopt Planning Board Resolution to approve the future addition of a 5,000 square foot building pad, an 800 square foot kiosk, and a 500 square foot kiosk. The shopping center at build out will be 130,729 square feet. The following modifications would be included:

1. The current amount of landscaping would be preserved; and
2. No drive-through uses would be permitted.

Board member Ezzy Ashcraft seconded the motion, with the following voice vote – 3. Noes: 3 (Cook, Kohlstrand, McNamara) Absent: 0; Abstain – 0. The motion failed.

8. CONSENT CALENDAR: None.

8-A. Large Format Retail Store Zoning Text Amendments - Applicant - City of Alameda. The Planning Board will consider proposed zoning text amendments to the Alameda Municipal Code related to large format retail stores and the location of retail uses throughout Alameda. The proposed text amendments include a definition of large format retail store and proposed provisions requiring a use permit for different types of retail uses in certain zoning districts. The proposed amendments would affect all properties in non-residential zoning districts and mixed use zoning districts. (DG) **Continued from January 28, 2008.**

Mr. Garrison presented the staff report. Staff recommended approval of this item.

Vice President Kohlstrand noted that at the last hearing, Michael Corbitt had raised some issues, and inquired whether he had a chance to look at the revised language. Mr. Garrison replied that he had, and that the email received from Mr. Corbitt the previous Friday stated that it had been reviewed by their management and attorney, and that they were in agreement with the current language.

Mr. Garrison noted that under the existing entitlements at South Shore, there were limitations regarding the number of large stores that would be allowed by square feet. He noted that additions such as new loading docks would trigger a design review, and staff would still look at it to determine whether it would affect traffic flow in the shopping center.

Board Member Lynch suggested that this section be reworded for clarity.

In response to an inquiry by Vice President Kohlstrand whether the applicant must work through the Planned Development structure, and that if they combined their space to exceed 30,000 square feet, they must come before the Planning Board, Mr. Thomas confirmed that was correct. He suggested that the large format language remain as written by Mr. Garrison, and that a commercial PD would be automatically triggered. He suggested the following language: "Conversion of existing multitenant retail space to a single retail space greater than 30,000 square feet."

Board Member Lynch believed that language was close, but was concerned that a tenant may build up to 29,000 square feet to avoid the trigger.

Board member McNamara noted that 2-B should be changed to "30,000 square feet."

Mr. Garrison suggested additional language added to the end of the text discussed by Mr. Thomas, which stated, "This shall require a PDA," that would state "unless specifically allowed in an approved planned development." He believed there should be more comprehensive planning up front, and believed that should be addressed the first time through.

Board Member Lynch agreed with Mr. Garrison's assessment.

Vice President Kohlstrand moved to adopt draft Planning Board Resolution to approve proposed zoning text amendments to the Alameda Municipal Code related to large format retail stores and the location of retail uses throughout Alameda. The proposed text amendments include a definition of large format retail store and proposed provisions requiring a use permit for different types of retail uses in certain zoning districts. The proposed amendments would affect all properties in non-residential zoning districts and mixed use zoning districts. The resolution shall be amended as detailed by staff.

Board Member Lynch seconded the motion, with the following voice vote – 6. Noes: 0. Absent: 0. The motion passed.

6. STAFF COMMUNICATIONS:

a. Future Agendas

Mr. Thomas provided an update on future agenda items.

Board Member Lynch inquired about the outcome for the Harbor Bay Village ruling. Ms. Faiz replied that the judge ruled that the settlement agreement did not mean the project had been approved, and that it must return to the Planning Board and go through the process.

Mr. Thomas noted that if the General Plan Zoning Amendment is approved, the housing could proceed under the terms of the original development agreement.

In response to an inquiry by Board Member Lynch what would happen if the Planning Board did not certify the EIR, Mr. Thomas replied that the Planning Board was not the final decision-making body, and that the recommendation to the City Council would be to not certify.

Board Member Lynch inquired about possible administrative remedies if the City Council decided not to certify the EIR. Mr. Thomas replied that if the Council determined it could not certify the EIR, they would have to identify the issue with the EIR. It would be incumbent upon the City to work to rectify that information. He noted that more analysis would be required. There would be a certain point where the Council would have to determine the EIR was sufficient, at which point the merits of the proposal would be discussed.

Board Member Lynch suggested that questions along those lines would be directed to the Board from the public. He noted that petitions had been circulating, and that it was important to be aware of the procedural issues.

In response to an inquiry by President Cook regarding the EIR certification, Mr. Thomas confirmed that an EIR may be certified, but the project could be denied.

Regarding the smog check item, Board member Ezzy Ashcraft noted that the description of the application was not specific enough in the report, and that the name of the business and further detail would be helpful to the public.

Board member Ezzy Ashcraft believed there were some exciting prospects of improving the stretch of Park Street from Lincoln Avenue to the Park Street Bridge, making it a more welcoming, attractive entrance to the City. She would have liked to have seen this item come before the Planning Board, and would like the City to pay special attention to that section of Park Street.

In response to an inquiry by Board member Ezzy Ashcraft regarding the City's choices, Mr. Thomas replied that the use permit for the auto use could be denied, which would not allow them to expand, and that the expansion would be completely inside the building. Landscaping along the perimeter would be added, and the sidewalk would be rebuilt around that half of the block, closing up curb cuts to add on-street parking.

In response to an inquiry by President Cook whether they were currently out of compliance with their use permit, Mr. Thomas replied that they were not out of compliance. They were out of compliance with the sign program, and a condition was added in that regard.

Vice President Kohlstrand requested that any future changes or expansions of the auto-oriented uses be brought before the Planning Board.

b. Zoning Administrator Report

Mr. Thomas provided the Zoning Administrator report.

7. ORAL COMMUNICATION:

Mr. Bill Smith discussed the 282-unit townhome project prospectus, as well as the Base procedure.

10. WRITTEN COMMUNICATIONS:

11. BOARD COMMUNICATIONS:

11-A. Oral Status Report regarding the Alameda Point Advisory Task Force (Board Members Cook/Kohlstrand)

President Cook noted that there had been no further meetings, and that the Task Force has been postponed for a short while. Mr. Thomas noted that the developer had requested an extension in order to move the internal milestones. The development concept was to be presented in March, and the EIR was to start in May, and the developer requested a six-month extension.

11-B. Oral Status Report regarding the Oakland Chinatown Advisory Committee (Board Member McNamara)

Board member McNamara noted there was nothing to report.

11-C. Oral Status Report regarding the Transportation Subcommittee (Board Member Kohlstrand)

Vice President Kohlstrand noted that there had been no further meetings since her last report.

11-D. Oral Status Report regarding the Alameda Climate Protection Task Force (Board Member Cunningham)

Board member Cunningham noted that there had been no further meetings since his last report. The report was presented to City Council the previous week, and they had asked staff to reconsider the format of the next committee. The action plan had been approved. Mr. Thomas noted that the Council would consider whether to set up a permanent Board or Commission for Climate Protection, and that it would have to be reconstituted with different members.

Mr. Thomas added that Mayor Johnson had not yet made a nomination for a replacement Planning Board member.

12. ADJOURNMENT: 9:25 p.m.

Respectfully submitted,

Andrew Thomas, Secretary
City Planning Board

This meeting was audio and video taped.